

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARIO L. GORDON,)
vs.)
Petitioner/Defendant,)
vs.) CIVIL NO. 06-cv-1006-WDS
UNITED STATES of AMERICA ,)
vs.) CRIMINAL NO. 02-cr-40004
Respondent/Plaintiff.)

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255.

On January 15, 2004, Petitioner was found guilty by a jury of one count of conspiracy to distribute and possess with intent to distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1) and one count of possession with intent to distribute cocaine base also in violation of 21 U.S.C. § 841(a)(1).

On April 23, 2004, Petitioner was sentenced to 360 months imprisonment on the first count and 240 months imprisonment on the second count, terms to be served concurrently; five years supervised release on the first count and three years supervised release on the second count, terms to run concurrently; a fine of \$500; and a special assessment of \$200. On July 21, 2006, the United States Court of Appeals for the Seventh Circuit affirmed Petitioner's sentence and conviction. On December 7, 2006, Petitioner filed the instant motion under § 2255.

In his motion the Petitioner raises two grounds for relief: (1) that he received ineffective assistance of appellate counsel, and (2) that it was a manifest injustice for the court to find that he is a career offender.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: December 20, 2006

**s/ WILLIAM D. STIEHL
DISTRICT JUDGE**